



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/758,737	01/16/2004	Kevin T. Burt	CPL1538-223B	6381

8698 7590 09/20/2007
STANDLEY LAW GROUP LLP
495 METRO PLACE SOUTH
SUITE 210
DUBLIN, OH 43017

EXAMINER

CHEVALIER, ALICIA ANN

ART UNIT	PAPER NUMBER
----------	--------------

1772

MAIL DATE	DELIVERY MODE
-----------	---------------

09/20/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/758,737	Applicant(s) BURT ET AL.	
	Examiner Alicia Chevalier	Art Unit 1772	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-16 and 18-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-16 and 18-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>7/11/07</u> . | 6) <input type="checkbox"/> Other: _____ |

RESPONSE TO AMENDMENT

Request for Continued Examination

1. The Request for Continued Examination (RCE) under 37 CFR 1.53 (d) filed on July 5, 2007 is acceptable and a RCE has been established. An action on the RCE follows.
2. Claims 1-3, 5-16 and 18-22 are pending in the application, claims 4 and 17 have been cancelled.
3. Amendments to the claims, filed on June 5, 2007, have been entered in the above-identified application.

Terminal Disclaimer

4. The terminal disclaimer filed on June 5, 2007 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of application 10/920,037 has been reviewed and is accepted. The terminal disclaimer has been recorded.

WITHDRAWN REJECTIONS

5. The Double Patenting rejection, made of record in the office action mailed April 5, 2007, page 3, paragraph #5 has been withdrawn due to Applicant's timely filed terminal disclaimer filed June 5, 2007.
6. The 35 U.S.C. §102 rejection of claims 1-22 over Edgman (US Publication No. 2002/0192431 A1), made of record in the office action mailed April 5, 2007, page 4, paragraph #7 has been withdrawn due to Applicant's amendment in the response filed June 5, 2007.

REJECTIONS

7. **The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.**

Claim Rejections - 35 USC § 102

8. Claims 1-3, 5-16 and 18-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Nakao (U.S. Patent No. 5,443,887).

Regarding Applicant's claims 1, 5, 7, 9, 11, 14, 20 and 22, Nakao discloses a component comprising: a metal substrate having a perforation (*col. 6, line 21*); and a composite outer layer comprising a plastic and at least one filler, wherein the filler is selected from the group consisting of cellulosic fillers and inorganic fillers (*col. 6, lines 26-27 and col. 2, lines 1-5 and lines 40-42*), said composite formed on said substrate such that all sides of said substrate are coated by said outer layer and said composite passes through said perforation in said substrate (*col. 1, lines 12-13, col. 6 lines 11-20 and the figures*).

Regarding Applicant's claims 2, 3, 10, 15 and 16, Nakao discloses the substrate is a sheet (*figures 1 and 2*) and substrate is deemed to have a higher bending strength than a comparable size piece of said composite, since Nakao's component has the same claimed structure and composition.

Regarding Applicant's claims 6, 12 and 19, Nakao discloses said plastic is selected from the group consisting of polyethylene, polypropylene, and polyvinyl chloride (*col. 4, lines 3-29*).

Regarding Applicant's claims 8, 13 and 21, the limitation "said composite is formed about said substrate by a process selected from the group consisting of extrusion, compression

Art Unit: 1772

molding, and injection molding” is a method limitation and does not determine the patentability of the product, unless the process produces unexpected results. The method of forming the product is not germane to the issue of patentability of the product itself, unless Applicant presents evidence from which the Examiner could reasonably conclude that the claimed product differs in kind from those of the prior art. MPEP 2113. Furthermore, there does not appear to be a difference between the prior art structure and the structure resulting from the claimed method because Nakao discloses claimed structure of claims 1, 9 and 14.

Regarding Applicant’s claim 18, Nakao discloses said substrate has a plurality of perforations through which the composite passes (*figures 1 and 2*).

ANSWERS TO APPLICANT’S ARGUMENTS

9. Applicant’s arguments in the response filed June 7, 2007 regarding the previous rejections of record have been considered but are moot since the rejections have been withdrawn.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia Chevalier whose telephone number is (571) 272-1490. The examiner can normally be reached on Monday through Friday from 8:00 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye, can be reached on (571) 272-3186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ac

9/16/07 *AC*


ALICIA CHEVALIER
PRIMARY EXAMINER